

**STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION**

IN THE MATTER OF:

**PROPOSED AMENDMENTS TO
STANDARDS FOR INTERSTATE AND
INTRASTATE SURFACE WATERS,
20.6.4 NMAC**

No. WQCC 20-51 (R)

**TRIAD NATIONAL SECURITY, LLC
AND THE UNITED STATES DEPARTMENT OF ENERGY'S
NOTICE OF INTENT TO PRESENT REBUTTAL TECHNICAL TESTIMONY**

Triad National Security, LLC (“Triad”) and the United States Department of Energy, National Nuclear Security Administration (“DOE”) (collectively “LANL”), pursuant to 20.1.6.202(A) NMAC and the Procedural Order, issued November 9, 2020, submit this Notice of Intent to Present Rebuttal Technical Testimony.

1. LANL’s Revised Recommended Modification to the Proposed Regulatory Change.

LANL has revised certain proposed modifications to NMED’s proposed regulatory changes to 20.6.4 NMAC. The revised proposal is attached to this Notice, as **LANL Exhibit 57**. LANL’s revisions relate to the following: 20.6.4.6 NMAC; 20.6.4.7(A) NMAC; 20.6.4.7(B) NMAC; 20.6.4.7(E) NMAC; 20.6.4.7(U) NMAC; 20.6.4.10(F) NMAC; 20.6.4.15(A) NMAC; and 20.6.4.140 NMAC.

2. Technical Witnesses for LANL.

LANL expects to offer the following witnesses to present rebuttal technical at hearing:

- a. Dr. Richard Meyerhoff
- b. Robert Gallegos
- c. Timothy Goering
- d. Dr. Bryan Dail
- e. Barry Fulton
- f. Dr. John Toll

- g. David DeForest
- h. Nancy L. Judd

3. Rebuttal Testimony Copies and Estimated Duration of the Rebuttal Testimony.

A copy of the rebuttal testimony of each LANL technical witness identified above is attached as **LANL Exhibits 58** through **65**. LANL anticipates that the duration of each witness's oral testimony will be approximately 30 minutes.

4. Qualifications of Technical Witness, Including Educational and Work Background Descriptions.

With the exception of Nancy L. Judd, the qualifications, including educational and work background, of each of the LANL rebuttal technical witnesses were described in the pre-filed direct technical testimony of those witnesses, as well as LANL's Notice of Intent to Present Technical Testimony. Nancy L. Judd is offered to present only as rebuttal technical witness. A summary of her qualifications is provided here:

a. Nancy Judd

Ms. Judd received a Bachelor of Arts degree with Honors from Occidental College in 1996 and a Master of Science Degree in Toxicology from the University of Washington in 2000. Ms. Judd is a board-certified toxicologist with more than 20 years of multidisciplinary experience in marine biology, human health toxicology, risk assessment, and sediment and water quality analysis. She has been a partner and risk assessor at Windward Environmental, LLC ("Windward") since 2005. While at Windward, from 2012-2014, Ms. Judd served as a Member on the Delegate's Table for the Washington State Human Health Water Quality Criteria Policy Forum. From 2000-2005, she was a Research Scientist at the Institute for Risk Analysis and Risk Communication at the University of Washington. From 1996-1998, Ms. Judd served as a United States Peace Corp volunteer at the Discovery Bay Marine Lab in Jamaica. Ms. Judd also has

numerous first author publications and presentations related to water quality, which is the subject of her testimony in this proceeding. A copy of her resume is attached and designated **LANL Exhibit 66**.

5. Exhibits.

LANL intends to offer the following additional exhibits at the hearing:

Reference	Exhibit Title	Bates Range
LANL Exhibit 57	Proposed Changes to 20.6.4 NMAC (Revised)	2020 TR LANL-01058-01078
LANL Exhibit 58	Rebuttal Testimony of R. Meyerhoff	2020 TR LANL-01079-01113
LANL Exhibit 59	Rebuttal Testimony of R. Gallegos	2020 TR LANL-01114-01151
LANL Exhibit 60	Rebuttal Testimony of T. Goering	2020 TR LANL-01152-01171
LANL Exhibit 61	Rebuttal Testimony of B. Dail	2020 TR LANL-01172-01184
LANL Exhibit 62	Rebuttal Testimony of B. Fulton	2020 TR LANL-01185-01202
LANL Exhibit 63	Rebuttal Testimony of J. Toll	2020 TR LANL-01203-01223
LANL Exhibit 64	Rebuttal Testimony of D. DeForest	2020 TR LANL-01224-01233
LANL Exhibit 65	Rebuttal Testimony of N. Judd	2020 TR LANL-01234-01245
LANL Exhibit 66	Resume of N. Judd	2020 TR LANL-01246-01251
LANL Exhibit 67	EPA Water Quality Standards Handbook, Ch. 2	2020 TR LANL-01252-01291
LANL Exhibit 68	EPA Recreational Water Quality Criteria	2020 TR LANL-01292-01361
LANL Exhibit 69	NMED Comprehensive Assessment and Listing Methodology (CALM) (Sept. 3, 2019)	2020 TR LANL-01362-01405
LANL Exhibit 70	WQCC Statewide Water Quality Management Plan and Continuing Planning Process	2020 TR LANL-01406-01634
LANL Exhibit 71	Excerpt of EPA Technical Support Document for Water Quality-based Toxics Control (Mar. 1999)	2020 TR LANL-01635-01640
LANL Exhibit 72	Excerpt 5 Code of Colorado Regulations 1002-31.5(18)	2020 TR LANL-01641-01647
LANL Exhibit 73	Excerpt Arizona Administrative Code Section R18-11-101.17	2020 TR LANL-01648-01652
LANL Exhibit 74	Excerpt Wyoming Administrative Code Section 020-0011	2020 TR LANL-01653-01659
LANL Exhibit 75	EPA Water Quality Standards Handbook, Ch. 4	2020 TR LANL-01660-01679

Reference	Exhibit Title	Bates Range
LANL Exhibit 76	Water Quality Standards Regulation, Final Rule, 48 Fed. Reg. 51,400 (Nov. 8, 1983)	2020 TR LANL-01680-01696
LANL Exhibit 77	EPA Questions & Answers on: Antidegradation (Aug. 1985)	2020 TR LANL-01697-01713
LANL Exhibit 78	LANL's Recommended Revisions to Flow Chart	2020 TR LANL-01714-01715
LANL Exhibit 79	Demonstrative Maps (Effluent Canyon and Upper Mortandad Canyon)	2020 TR LANL-01716-01718
LANL Exhibit 80	Figure: Comparison of NPDES outfall and gage E200 discharge volumes	2020 TR LANL-01719-01720
LANL Exhibit 81	Effluent Canyon Charts (Temperature, pH, Dissolved Oxygen)	2020 TR LANL-01721-01724
LANL Exhibit 82	LANL Precipitation Charts (TA-6 and TA-53)	2020 TR LANL-01725-01727
LANL Exhibit 83	EPA Memo re: Establishing Site Specific Aquatic Life Criteria Equal to Natural Background (Nov. 5, 1997)	2020 TR LANL-01728-01731
LANL Exhibit 84	EPA White Paper Aquatic Life Criteria for Contaminants of Emerging Concern, Part I, General Challenges and Recommendations	2020 TR LANL-01732-01818
LANL Exhibit 85	EPA Memo re: Recommendations from the PFAS NPDES Regional Coordinators Committee <i>Interim Strategy for Per- and Polyfluoroalkyl Substances in Federally Issues National Pollutant Discharge Elimination System Permits</i>	2020 TR LANL-01819-01824
LANL Exhibit 86	Colo. WQCC Policy 20-1, Policy for Interpreting the Narrative Water Quality Standards for Per- and Polyfluoroalkyl Substances (PFAS) (Jul. 14, 2020)	2020 TR LANL-01825-01851
LANL Exhibit 87	EPA Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (Oct. 2000)	2020 TR LANL-01852-02037
LANL Exhibit 88	EPA PFAS Action Plan: Program Update (Feb. 2020)	2020 TR LANL-02038-02058
LANL Exhibit 89	EPA Announcement of Preliminary Regulatory Determinations for Contaminants on the Fourth Drinking Water Contaminant Candidate List, 85 Fed. Reg. 14,098 (Mar. 10, 2020)	2020 TR LANL-02059-02104

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CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2021, a true and correct copy of the foregoing *Notice of Intent to Present Rebuttal Technical Testimony* was served via electronic mail to the following:

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